

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF TEXAS**

OLUWAYEMISI ONAOLAPO FAMOJURO;)
ADEOLA OLUSEYI FAMOJURO;)
AYOBAMI ADEWONUOLA FAMOJURO;)
ADEDEJI ADEWOLE FAMOJURO,)
6808 Athens Street)
Amarillo, TX 79118)

Civil Action No:

Plaintiff

v.

KRISTI NOEM, in her official capacity,)
Acting Secretary, U.S. Department of)
Homeland Security;)
JENNIFER B. HIGGINS in her official)
capacity, Acting Director, U.S. Citizenship and)
Immigration Services;)
TED H. KIM, in his official capacity,)
Associate Director of Refugee, Asylum and)
International Operations, U.S. Citizenship)
and Immigration Services,)
2707 Martin Luther King Jr. Ave, SE)
Washington, DC 20528-0485)

PAM BONDI, in her official capacity,)
Attorney General, Office of Attorney General,)
U.S. Department of Justice;)
950 Pennsylvania Avenue, NW)
Washington, DC 20530-0001)

Defendant(s).

**PLAINTIFFS' ORIGINAL COMPLAINT FOR WRIT IN THE NATURE OF
MANDAMUS AND VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

Daniel W. Son, Jr., Attorney for Plaintiff, JEELANI LAW FIRM, PLC, 511 E John W Carpenter Fwy # 500, Las Colinas, TX 75062, Ph: 312-767-9030, Facsimile: 312-767-9030, Email: danny@jeelani-law.com.

INTRODUCTION

COME NOW OLUWAYEMISI ONAOLAPO FAMOJURO (hereinafter “Plaintiff OLUWAYEMISI” or collectively “Plaintiffs”), ADEOLA OLUSEYI FAMOJURO (hereinafter “Plaintiff ADEOLA” or collectively “Plaintiffs”), AYOBAMI ADEWONUOLA FAMOJURO (hereinafter “Plaintiff AYOBAMI” or collectively “Plaintiffs”), and ADEDEJI ADEWOLE FAMOJURO (hereinafter “Plaintiff ADEDEJI or collectively “Plaintiffs”); by and through the undersigned attorney in the above cause and states as follows:

1. This action is brought as a result of Defendants' failure to adjudicate Plaintiffs' Form I-589, Application for Asylum and Withholding of Removal, (hereinafter “Asylum Application” or “Application”) within the statutory period of 180 days pursuant to 8 U.S.C. § 1158(d)(5)(A)(iii). As Plaintiffs' Application has been pending for over seven years and eleven months (over 95 months or 2910 days); Defendants have taken over 16 times the maximum statutory period they are given to adjudicate asylum applications.

2. Defendants are in violation of the Administrative Procedures Act, 5 U.S.C. § 701 et seq. As such, this action is brought to compel Defendants and those acting under them to take action on the Application, which has been pending for over seven years and eleven months (over 95 months or 2910 days) with the United States Citizenship and Immigration Services.

3. Defendants cannot reasonably continue to use COVID-19 as a defense to their failure to adjudicate the Application as USCIS Asylum offices are fully operational and conducting asylum interviews; as such, COVID-19 related issues do not prohibit an officer's issuance of a decision in this matter.

PARTIES

4. Plaintiff OLUWAYEMISI is a citizen of Nigeria and for purposes of the instant action, she is a resident of Potter County, Texas. Plaintiff is the applicant of a properly filed Form I-589, Application for Asylum and Withholding of Removal (Receipt Number: ZNK-1700-051-740) filed on March 16, 2017, with the United States Citizenship and Immigration Service.

5. Plaintiff ADEOLA OLUSEYI FAMOJURO is a citizen of Nigeria and for purposes of the instant action, he is a resident of Potter County, Texas. He is the spouse and derivative family member named on Plaintiff OLUWAYEMISI's Form I-589, Application for Asylum and Withholding of Removal (Receipt Number: ZNK-1700-051-740) on March 16, 2017 with the United States Citizenship and Immigration Service.

6. AYOBAMI ADEWONUOLA FAMOJURO is a citizen of Nigeria and for purposes of the instant action, he is a resident of Potter County, Texas. He is the son and derivative family member named on Plaintiff OLUWAYEMISI's Form I-589, Application for Asylum and Withholding of Removal (Receipt Number: ZNK-1700-051-740) on March 16, 2017 with the United States Citizenship and Immigration Service.

7. Plaintiff ADEDEJI ADEWOLE FAMOJURO is a citizen of Nigeria and for purposes of the instant action, he is a resident of Potter County, Texas. He is the son and derivative family member named on Plaintiff OLUWAYEMISI's Form I-589, Application for Asylum and

Withholding of Removal (Receipt Number: ZNK-1700-051-740) on March 16, 2017 with the United States Citizenship and Immigration Service.

8. Defendant KRISTI NOEM is the Secretary of the United States Department of Homeland Security (hereinafter “DHS”). This action is filed against her in her official capacity. Defendant NOEM is responsible for the enforcement of the INA and for the delegation of adjudicatory and discretionary authority to other employees of the DHS and USCIS pursuant to 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1.

9. Defendant JENNIFER B. HIGGINS is the Acting Director of USCIS; she is an official generally charged with supervisory authority over all operations of USCIS under 8 C.F.R. § 103.1. This action is filed against her in her official capacity.

10. Defendant TED H. KIM is the Associate Director of Refugee, Asylum, and International Operations Directorate (RAIO); he is an official generally charged with supervisory authority over all operations of USCIS Asylum Offices. This action is filed against him in his official capacity.

11. Defendant PAM BONDI is the Attorney General of the United States; she is an official generally charged with supervisory authority over all operations of the Department of Justice (hereinafter “DOJ”) under 28 C.F.R. § 0.5. This action is filed against her in her official capacity.

JURISDICTION AND VENUE

12. This Court has jurisdiction to hear this complaint and the claims stated herein by virtue of 28 U.S.C. §§ 1331, § 1361 and §2201 because this is a federal mandamus action brought to compel Defendants to perform their statutory duties owed to the Plaintiff. This Court has

additional jurisdiction by virtue of the Administrative Procedures Act, 5 U.S.C. § 701, *et seq.*, because Plaintiff is seeking judicial review of inaction by one or more of the Defendants.

13. Venue is proper in the District Court for the Northern District of Texas pursuant to 28 U.S.C. § 1391(e) in that this is the district in which the Plaintiffs reside and there is no real property associated with this action.

GENERAL ALLEGATIONS

14. Plaintiffs are citizens of Nigeria who properly filed their Asylum Application with USCIS on March 16, 2017 (Receipt Number: ZNK-1700-051-740). **[Exhibit A]**. As of the date of this filing, Plaintiffs' Application remains unadjudicated for a period of over seven years and eleven months (over 95 months or 2910 days).

15. Since March 16, 2017, USCIS has made no requests for evidence or information from the Plaintiffs.

16. In the seven years and eleven months (95 months or 2910 days) following the filing of the Application, Plaintiffs have made numerous inquiries with USCIS.

17. As of this date, Plaintiffs' inquiries have not amounted to any meaningful responses by USCIS, nor have Defendants made any requests for evidence or scheduled Plaintiffs for their required interview. USCIS has only responded with generic statements providing that Plaintiffs' case is pending the scheduling of an interview.

18. Plaintiffs' Application has been pending for a period of over seven years and eleven months (over 95 months or 2910 days).

19. Defendants have conducted the initial investigation and have sufficient information and documentation about Plaintiffs to schedule an interview.

20. Defendant's delay and inaction is causing irreparable harm to Plaintiffs as they are unable to commence their lives without fear of being returned to Nigeria.

VIOLATION OF THE APA

21. All prior paragraphs are re-alleged as if fully stated herein.

22. Plaintiffs have a statutory right to apply for asylum and to be considered for relief under the same pursuant to 8 U.S.C. § 1158(a).

23. Defendants have a statutory duty to adjudicate asylum applications within 180 days of filing pursuant to 8 U.S.C. § 1158(d)(5)(A)(iii).

24. The duty owed to Plaintiffs is ministerial and so plainly prescribed as to be clear and free from doubt.

25. No other adequate remedy is available to Plaintiffs.

26. Defendants' delay and inaction is causing irreparable harm to Plaintiffs as they are unable to commence their lives in the U.S. without living in fear of being forced to return to Nigeria, where they will certainly be persecuted, tortured, and/or killed.

27. Defendants have failed in their statutory duty to adjudicate the Application in 180 days.

28. As Plaintiffs' Application has been pending for over seven years and eleven months (over 95 months or 2910 days); Defendants have taken over 16 times the maximum statutory period they are given to adjudicate asylum applications.

29. Defendants' delay in this case is, as a matter of law, arbitrary, in violation of Plaintiffs' due process rights and not in accordance with the law. Defendants have willingly and unreasonably delayed and have refused to take action on the Plaintiffs' Application.

30. Defendants have violated the Administrative Procedures Act, 5 U.S.C. § 701 et seq., as they are unlawfully withholding action on the Plaintiffs' Application for a period of over seven years and eleven months (over 95 months or 2910 days) and have failed to carry out the adjudicative functions that are delegated to them by law with regard to Plaintiffs' case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray:

1. That Defendants be cited to appear herein and that, upon due consideration, the Court enter an order mandating a time certain to adjudicate Plaintiffs' Asylum Application;

2. In the alternative, that the Court compel Defendants, and those acting under them, to perform their duty to adjudicate Plaintiffs' Application immediately;

3. Finally, that the Court award reasonable attorney's fees under the Equal Access to Justice Act, 5 U.S.C. § 504, and such other and future relief as this Court deems proper.

Date: March 4, 2025

Respectfully submitted,

/s/ Daniel W. Son, Jr.
Daniel W. Son, Jr., Esq.
JEELANI LAW FIRM, PLC,
511 E John W Carpenter
Fwy # 500, Las Colinas, TX 75062
Ph: 312-767-9030
Facsimile: (312) 549-9981
Email: danny@jeelani-law.com.
Counsel for Plaintiffs